

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOSE BRITO, on behalf of himself and others  
similarly situated,

Plaintiff,

v.

MARINA'S BAKERY CORP., MARGARITO  
GONZALEZ and SERGIO GONZALEZ, in their  
individual and professional capacities,

Defendants.

Civil Case No.: 1:19-cv-00828-KAM-CLP

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S CONSENT MOTION  
FOR CONDITIONAL  
CERTIFICATION OF A  
COLLECTIVE ACTION**

**WHEREAS**, on April 26, 2019, Plaintiff moved, on consent, for Conditional Certification of a Collective Action under the Fair Labor Standards Act, 29 U.S.C. § 216(b);

**WHEREAS**, Plaintiff submitted a Proposed Notice of Pendency to be sent via U.S. First Class mail and via email (Declaration of Innessa M. Huot ("Huot Decl."), Exhibit ("Ex.") G),<sup>1</sup> a Proposed Consent to Join form to be distributed via U.S. First Class Mail and via email (Ex. H), a Proposed Email Notice to be distributed via email (Ex. I), a Proposed Text Message Notice to be distributed via text message (Ex. J), and a Proposed Work Place Notice to be posted in both of Defendants' Restaurants (Ex. K);

**WHEREAS**, Defendants consent to Plaintiff's Motion for Conditional Certification of a Collective Action;

**WHEREAS**, Defendants consent to the Proposed Notices of Pendency;

**NOW, WHEREFORE**, the Court, having considered Plaintiff's Consent Motion for Conditional Certification of a Collective Action, and for good cause shown, hereby **ORDERS** as follows:

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<sup>1</sup> All references to exhibits to the Huot Decl. are hereinafter cited as "Ex. \_\_\_\_."

Plaintiff's Consent Motion for Conditional Certification of a Collective Action is **GRANTED.**

The Court further **ORDERS:**

- a. Defendants to provide contact information (names, last known home addresses, home and mobile telephone phone numbers, and email addresses) for the conditionally certified FLSA Collective within **14 days** of this Order.
- b. The parties to disseminate all notices (Exs. G through J) to the conditionally certified FLSA Collective within **21 days** of this Order.
- c. Defendants to post the Work Place Notice (Ex. K) at both of their locations within **14 days** of this Order and leave them posted through the close of the opt-in period.

**IT IS SO ORDERED.**

Dated: 4/30/19

/s/ Cheryl L. Pollak

Honorable Cheryl L. Pollak